## REMARKS

The Final Office Action mailed March 16, 2011 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

**Amendment to Claims 1 and 12**

Claims 1 and 12 have been amended.

**Rejection(s) Under 35 U.S.C. §103(a)**

Claims 1-13, 16 and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pawliszyn (U.S. pat. no. 4,940,333) and further in view of Fujiwara et al (*Liquid Core Optical Fiber Total Reflection Cell as a Colorimetric Detector for Flow Injection Analysis*, Anal. Chem. 1985, 57, 1012-1016).

Regarding claims 1 and 12, the Examiner states that Pawliszyn "fails to teach the length of a transparent pipe or the flow rate" (p. 5), although the Examiner argues that the pipe length and flow rate are "not considered to confer patentability to the claims." The Examiner also states that Pawliszyn "fails to teach using a push-syringe or using a dye to detect at least one color change" (p. 6); however, the Examiner alleges that this is obvious in view of Fujiwara. Applicants respectfully incorporate their arguments in response to the preceding office action, and respectfully request reconsideration.

In addition, the combination of Pawliszyn and Fujiwara do not teach or suggest each of the limitations of amended claims 1 and 12. In particular, Applicants disagree that Pawliszyn discloses the measurement of "levels of light transmitted through said reaction loop after filtering, said levels of light being representative of the characteristics of the sample." Pawliszyn does not measure the levels of light transmitted through the sample. Rather, it measures the levels of light that are deflected to a particular photodetector.

Moreover, neither Pawliszyn nor Fujiwara teach "waiting a determined time such that a concentration gradient is established in the reaction loop establishing at least one color change point." Applicants disagree with the Examiner's statement, p. 11, that because Pawliszyn detects light, and light contains colors that may change, that therefore Pawliszyn is capable of detecting the point where the color of the sample changes. Pawliszyn provides no such teaching, and provides no theory behind which one could infer a color change point based on deflection of a single beam of light through a passing sample. Moreover, Pawliszyn could not, as a general rule,

detect any particular point where particular properties change, unless the user knew beforehand where the location of the change was to occur, so that the user could align that point with the light beam so that it could be deflected at that point. However, if one already knows the location where a property change is to occur, one does not need to measure it.

Claims 2-11, 13, 16, and 17 variously depend, directly or indirectly, from the base claims addressed above. Fujiwara fails to remedy the above-mentioned shortcomings of Pawliszyn with respect to the base claims. Accordingly, claims 2-11, 13, 16, and 17, which by definition include all the limitations of the base claims, are patentable over the combination of these references.

In this case, the rejection based on the combination of Pawliszyn and Fujiwara fails to rise to the level of a *prima facie* case of obviousness, at least for the reasons outlined above. Accordingly, it is respectfully urged that the obviousness rejection of claims 1-13, 16, and 17 is improper and should be withdrawn.

**Conclusion**

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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